

The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID CLARAMUNT, CARLES FLOTATS,
CRISTIAN CACHERA, and JOSE M. RIO DOVAL

Appeal 2007-1270
Application 10/607,873
Technology Center 2800

Decided: July 17, 2007

Before ANITA PELLMAN GROSS, HOWARD B. BLANKENSHIP, and
JAY P. LUCAS, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Claramunt, Flotats, Cachera, and Doval (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1 through 8. Claims 9 through 23 have been withdrawn from consideration.

Appellants' invention relates to a method of marking media for optical sensing of media advancement. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:

advancing media; and,

marking the media as the media advances to allow for one-dimensional optical sensing of advancement of the media while accommodating for lateral movement of the media.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Christiansen	US 6,411,324 B1	Jun. 25, 2002
Miyano	US 6,712,536 B2	Mar. 30, 2004

Claims 1 through 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Christiansen.

Claims 5 through 8 stand rejected under 35 U.S.C. § 103 as being unpatentable over Christiansen in view of Miyano.

We refer to the Examiner's Answer (mailed October 6, 2006) and to Appellants' Brief (filed February 19, 2006) and Reply Brief (filed October 25, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will affirm both the anticipation rejection of claims 1 through 4 and also the obviousness rejection of claims 5 through 8.

OPINION

The Examiner asserts (Answer 3) that Christiansen teaches advancing a media and marking the media as it advances. Further, the Examiner asserts (Answer 3) that Christiansen's apparatus "must inherently sense the advancement of the media. In other words, the apparatus cannot provide alignment without sensing an advancement of the media." Appellants contend (Br. 4-14) that Christiansen does not inherently sense advancement of the media, as Christiansen does not require media advancement for detecting alignment marks. The issue, therefore, is whether Christiansen, in sensing alignment marks, inherently senses media advancement.

Christiansen discloses (col. 3, ll. 35-37, and col. 5, ll. 2-6) that registration marks can be printed along the top and bottom of pages fed into a printer for centering images on the pages. Further, Christiansen (col. 5, ll. 29-35) uses an optical scanner to detect the registration marks for re-calibrating the page position where printing is to begin. Christiansen explains (col. 5, ll. 60-64) that controller 220 can issue correction signals to the print engine "to print successive pages using the previously detected registration marks as indicators of where to start and stop printing." Christiansen shows in Figure 2 that print engine 210 prints registration marks on paper 200 as it advances to the left, and scanner 290 detects the marks as the paper continues to advance to the left.

If a page were advancing faster than expected, then the scanner 290 would sense more marks at the beginning of the page than at the end of the page (as the page would move past the print engine before both sets of marks were complete). Thus, the marks would indicate that the page had advanced too much for printing to be centered, and the controller would

adjust the positioning of the next page and where to start and stop printing. Similarly, if a page were advancing slower than expected, then the scanner 290 would sense fewer marks at the beginning of the page than at the end of the page (as the page would not reach the print engine before the first set of marks occurred). Therefore, the marks would indicate that the page had not advanced enough for printing to be centered, and the controller would adjust the positioning of the page and the printing of the page accordingly. In other words, Christiansen's marking of the media as the media advances provides optical sensing of the media's advancement, as recited in independent claim 1.

In addition, we note that the language of claim 1 does not require that the advancement of the media actually be optically sensed using the markings. The language, "to allow for one-dimensional optical sensing of the advancement of the media," merely requires that the markings not prevent optically sensing the advancement of the media. Since Christiansen discloses advancing the media and marking the media as it advances, and since the markings of Christiansen do not preclude sensing of advancement of the media, Christiansen anticipates claim 1. Therefore, we will sustain the anticipation rejection of claims 1 through 4.

Regarding claims 5 through 8, Appellants do not argue the combination of Miyano with Christiansen. Instead, Appellants rely solely upon their arguments against the rejection of claim 1 over Christiansen. Since we have sustained the rejection of claims 1 through 4 over Christiansen, we will also sustain the rejection of claims 5 through 8 over Christiansen and Miyano.

ORDER

The decision of the Examiner rejecting claims 1 through 4 under 35 U.S.C. § 102(b) and claims 5 through 8 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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